

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
SAN ANGELO DIVISION**

CLERK US DISTRICT COURT
NORTHERN DIST. OF TX.
FILED

2017 NOV -2 AM 9:41

DEPUTY CLERK 

UNITED STATES OF AMERICA }

v. }

NO. 6:17-CR-047-C

JOHN GILBREATH IV }

FACTUAL RESUME

In support of John Gilbreath IV's plea of guilty to the offense in Count One of the Indictment, Gilbreath, the defendant, Mark Danielson, the defendant's attorney, and the United States of America (the government) stipulate and agree to the following:

ELEMENTS OF THE OFFENSE

To prove the offense alleged in Count One of the Indictment, charging a violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2), that is, Convicted Felon in Possession of a Firearm, the government must prove each of the following elements beyond a reasonable doubt (Fifth Circuit Pattern Jury Instruction 2.43D (5th Cir. 2015)):

- First. That the defendant knowingly possessed a firearm as charged in the Indictment;
- Second. That before the defendant possessed the firearm, the defendant had been convicted in a court of a crime punishable by imprisonment for a term in excess of one year; and
- Third. That the firearm possessed traveled in interstate commerce; that is, before the defendant possessed the firearm, it had traveled at some time from one state to another.

STIPULATED FACTS

1. John Gilbreath IV, defendant, admits and agrees that on or about June 11, 2017, in the San Angelo Division of the Northern District of Texas, or elsewhere, he, a person who had previously been convicted of a crime punishable by a term of imprisonment exceeding one year, did knowingly possess in or affecting interstate or foreign commerce a firearm, to wit: a Charter Arms, Charco model, .38 caliber revolver bearing serial number 1124875.

2. On June 11, 2017, deputies with the Tom Green County Sheriff's Office conducted a lawful search of Gilbreath's vehicle and found a Charter Arms, Charco model, .38 caliber revolver bearing serial number 1124875 in Gilbreath's trunk. Gilbreath admits that he knowingly possessed this firearm.

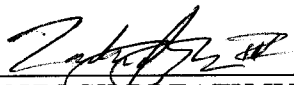
3. Before Gilbreath possessed the firearm listed above, he had been convicted in a court of a crime punishable by imprisonment for a term in excess of one year, that is, a felony offense. Specifically, on or about November 9, 1994, in the 51st District Court of San Angelo, Texas, Gilbreath was convicted of Possession with Intent to Distribute Marijuana, a 3rd degree felony, and sentenced to a fully probated sentence of ten years imprisonment.

4. The firearm listed above meets the definition of a "firearm" under federal law. Further the firearm mentioned in this factual resume was not manufactured in the State of Texas and, therefore, affected interstate or foreign commerce. That is, before Gilbreath possessed this firearm, it had traveled at some time from one state to another or between any part of the United States and any other country.

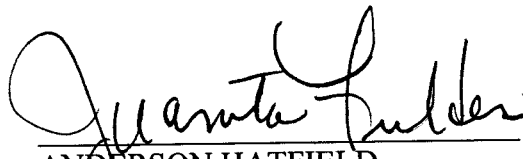
5. The defendant agrees that the defendant committed all the essential elements of the offense. This factual resume is not intended to be a complete accounting of all the facts and events related to the offense charged in this case. The limited purpose of this statement of facts is to demonstrate that a factual basis exists to support the defendant's guilty plea to Count One of the Indictment.

AGREED TO AND STIPULATED on this 2nd day of November, 2017.

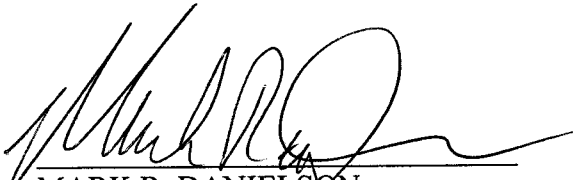
JOHN R. PARKER
UNITED STATES ATTORNEY



JOHN GILBREATH IV
Defendant



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